

BYLAW NO. 73/2002

THIS BEING a Bylaw of the Municipal District of Foothills No. 31 in the Province of Alberta, to authorize a levy of off-site costs on Lands within the Municipal District of Foothills No. 31 proposed for subdivision, development and redevelopment;

WHEREAS new residential, commercial and industrial sites within the Municipal District of Foothills No. 31, and more specifically, within the Hamlet of Cayley, have required and will continue to require new construction or expansion of certain municipal facilities, or land in connection with such facilities;

AND WHEREAS it is deemed just and reasonable that subdivision, development and redevelopment should bear a fair portion of the cost of constructing or expanding such facilities;

NOW THEREFORE the Council of the Municipal District of Foothills No. 31 duly assembled and under the authority of the Municipal Government Act hereby enacts as follows:

1. TITLE

This Bylaw shall be known and referred to as the "Cayley Off-Site Levy Bylaw".

2. INTERPRETATION

For the purposes of this Bylaw, the following definitions shall apply:

- (a) "Development" – means "development" as defined in the Municipal Government Act;
- (b) "Development Area" – means those various areas of Lands within the Municipal District of Foothills No. 31 as set out in the attached Map "A";
- (c) "Lands" – means the private titled lands in accordance with the Land Titles Act, as amended;
- (d) "Levy" – means off-site levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act;
- (e) "Municipal District" – means the Municipal District of Foothills No. 31 or, where the context permits, the geographical area thereof;
- (f) "Municipal Government Act" – means the Municipal Government Act being S.A. 1994 c.26.1, as amended;
- (g) "Redevelopment" – means when the existing Lands are changed to a different use through redesignation and/or subdivision;
- (h) "Subdivision" – means "subdivision" as defined in the Municipal Government Act;
- (i) "Utilities" – means facilities for the collection, treatment, movement or disposal of wastewater and stormwater as identified within the Schedules of this Bylaw.

3. ENACTMENT

- (a) The object of this Bylaw shall be the collection of funds to be allotted towards financing of the capital cost of:

- R.M.
- (i) new or expanded facilities for the storage, treatment, and movement of water;
 - (ii) new or expanded facilities for the storage, treatment, and movement of wastewater; and
 - (iii) the acquisition of lands in connection therewith.
- (b) A Levy shall be imposed upon the following Lands:
- (i) All Lands within the Development Area upon which Development takes place after the date of passing of the within Bylaw, or
 - (ii) All Lands within the Development Area for which subdivision approval is obtained after the date of passing the within Bylaw.
- (c) All attached Schedules and Maps form part of this Bylaw.

4. TERMS AND RATES

- (a) Pursuant to advice received by the Municipal District from MPE Engineering and from in-house engineering, cost estimates regarding the future water and wastewater upgrades, the Levy is hereby established as follows:
- (i) All Lands upon which newly created residential, multi-family or single lots will be located as is outlined in Map "A", shall be subject to a \$3,620 levy per lot within the Development Area.
 - (ii) All Lands upon which newly created commercial, institutional or industrial lots will be located as is outlined in Map "A", shall be determined at the time of connection and reviewed and approved by Council based on the following formula:
- Off-Site Levy (\$) = Average Daily Consumption in gallons X 3*
- (b) The Levy shall be payable on the total number of subdivided lots without deduction of any kind for land required to be dedicated for highway or for roads, or for municipal schools or environmental reserves, or for environmental reserve easements or public utility lots.
 - (c) The Levy imposed herein shall be paid upon the issuance of the Building or Development Permit in respect of the Lands, or before the related subdivision linen is endorsed by the Municipal District and registered pursuant to the Land Titles Act, whichever date is the earliest.
 - (d) Where the Municipal District deems it appropriate, it may direct that a Development Agreement be entered into with the owner or occupier of the Lands and this Agreement shall provide for the payment of Levies imposed as specified pursuant to this Bylaw.
 - (e) All funds collected pursuant to this Bylaw herein shall be accounted for and expended only as permitted under the provisions of the Municipal Government Act.
 - (f) Previous Off-Site Levy Bylaws are hereby repealed and all Lands for which the related off-site levies have been previously paid are not included in this Bylaw.

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- (g) Nothing in this Bylaw precludes the Municipal District from:
 - (i) Imposing further or different Levies, duly enacted by Bylaw, or any portion of the Lands in respect of which the Municipal District has not collected Levies;
 - (ii) Deferring the collection of Levies for the stated objects of this Bylaw, or any portion of the Lands in respect of which the Municipal District has not collected Levies;
 - (iii) Reducing or forgiving the payment of Levies required pursuant to this Bylaw.
- (h) The rate set out in 4(a)(l) of this Bylaw shall be reviewed annually, and if applicable, will be adjusted each year to reflect changes based on the Annual Consumer Price Index (CPI) for the Calgary Area.

5. EFFECTIVE DATE

This Bylaw shall have effect on the date of its third reading.

First Reading: May 16, 2002

Roy R. McLean
REEVE

Theresa
MUNICIPAL MANAGER

Second Reading: May 16, 2002

Roy R. McLean
REEVE

Theresa
MUNICIPAL MANAGER

Third Reading: May 16, 2002

Roy R. McLean
REEVE

Theresa
MUNICIPAL MANAGER

PASSED IN OPEN COUNCIL assembled at the Town of High River in the
Province of Alberta, the 16 day of May, 2002.

SCHEDULE "A"

ATTACHED TO AND FORMING PART OF BYLAW 73/2002

Calculation of Costs and Off-site Levies For the Raw Water Pump Station and Intake, Raw Water Reservoir, Water Treatment Plant, Distribution System, within the Hamlet of Cayley.

- R.M.
- a) Raw Water Reservoir Expansion, MPE Report Hamlet of Cayley Water Supply Assessment, February 2001. \$120,000;
 - b) Raw Water Pump and Pipeline, MPE Report Hamlet of Cayley Water Supply Assessment, February 2001 - \$215,000;
 - c) Water Treatment Plant Increased Sizing, MPE Report Hamlet of Cayley Water Supply Assessment, February 2001 - \$1,000,000;
 - d) Increased Distribution Plant Capacity, MPE Report Hamlet of Cayley Water Supply Assessment, February 2001 - \$182,000;
 - e) Upgrades required to service population of 800 with an average of 2.63 persons per lot equals an additional 170 lots for development.
 - f) Assumptions:
 - 1. No Provincial grants.
 - 2. Average of 2.63 persons per developed lot.
 - 3. Current Population of 352 people.
 - g) Calculations:
 - (i) Raw Water Reservoir Expansion: \$120,000; PLUS
 - (ii) Raw Water Pump and Pipeline: \$215,000; PLUS
 - (iii) Water Treatment Plant Upgrade: \$1,000,000 x 9.85% (Developers portion for increased sizing) = \$98,500; PLUS
 - (iv) Water Distribution System Upgrade: \$182,000 EQUALS \$617,000
 - (v) Conclusion:
THEREFORE THE OFFSITE LEVY SHOULD BE:
\$615,500 divided by 170 lots = \$3,620 per lot
 - h) Consumer Price Index (Increase/Decrease):

Consumer Price Index (CPI) will be calculated following this general principle:

2002 = \$3,620

2003 = 2002 + (2002 x CPI for 2002)

Each year thereafter: Previous Year + (Previous Year Levy + CPI factor for that year)